

CATHERINE CORTEZ MASTO
Attorney General
STEPHEN D. QUINN
Senior Deputy Attorney General
Nevada Bar No. 5746
Litigation Division
100 North Carson Street
Carson City, Nevada 89701-4717
Tel: (775) 684-1222
Fax: (775) 684-1275

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TERI SCHLOEMER,

Plaintiff,

v.

BRUCE BOMMARITO, *et al.*,

Defendants.

Case No. 3:05-CV-00466-LRH-VPC

**DEFENDANTS' NOTICE REGARDING
SETTLEMENT NEGOTIATIONS AND
COURT'S ORDER (#61)**

Defendants submit the following notice relevant to the settlement negotiations conducted Monday, April 16, 2007, and the Court's subsequent Minute Order (#61).

Pursuant to successful settlement negotiations conducted April 16th, and in reasonable anticipation that the matter could be placed on the agenda for the next scheduled Board of Examiners' meeting to take place May 8, 2007, the Court ordered (#61) the parties to submit a stipulation of dismissal no later than May 22, 2007. Counsel for Defendants has learned that the matter will not be on the agenda for the May 8, 2007 meeting, and therefore, that the May 22nd deadline for submission of the stipulation of dismissal cannot be met. By this notice, Defendants are notifying the Court and Plaintiff that the Court's order cannot be met and of the need for the Court to take appropriate action. It is respectfully requested that the Court issue a new order setting a new deadline for submission of a stipulation of dismissal with prejudice of this matter.

Tuesday, April 17th, was the deadline for State of Nevada agencies to submit requests to have matters placed on the agenda for the May 8th meeting of the Board of Examiners.¹ On Tuesday, April 17th, before noon, Defendants' counsel completed the necessary paperwork for appropriate approval and signature by the person(s) in the Attorney General's staff delegated with responsibility for submission of agenda items to Board of Examiners. Due to circumstances beyond the control of Defendants' counsel, all the requisite signatures were apparently not obtained in time for submission of agenda item request by the deadline. Defendants' counsel was in Reno Wednesday, April 18th, for depositions in an unrelated case and did not seek confirmation that the settlement of this matter was placed on the Board of Examiners' May 8 meeting agenda until first thing Monday morning, April 23rd, when he learned that this matter was not submitted by the deadline for submission of agenda items.

The next meeting is tentatively² scheduled for June 12, 2007. May 22nd is the deadline for the Attorney General's office to request placement of this matter on the agenda for the June 12th meeting.³ Defendants' counsel has no reason to believe that the matter will not be on the agenda for the June 12th meeting of the Board of Examiners. Accordingly, Defendants' counsel respectfully suggests the deadline for submission of a stipulation of dismissal with prejudice in this case should be changed to two weeks after the June 12th Board of Examiners' meeting, which would be June 26, 2007.

DATED this 23rd day of April 2007.

IT IS SO ORDERED.

CATHERINE CORTEZ MASTO
Attorney General

DATED: April 24, 2007.



By:



Stephen D. Quinn
Senior Deputy Attorney General

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

Attorneys for Defendants

¹ Internet site: Budget.state.nv.us/BOEAGENDAS/boe2007/BOE_SCHEDULE_2007R1.

² The Board of Examiners' published schedule states that it is a "tentative" schedule. Budget.state.nv.us/BOEAGENDAS/boe2007/BOE_SCHEDULE_2007R1.

³ See Schedule published on the Internet at "Budget.state.nv.us/BOEAGENDAS/boe2007/BOE_SCHEDULE_2007R1."